

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

JASON TUCKER,	:	
Petitioner,	:	Case No. 3:11cv00330
vs.	:	District Judge Walter Herbert Rice
		Magistrate Judge Sharon L. Ovington
STATE OF OHIO, <sup>1</sup>	:	
Respondent.	:	

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**DECISION AND ENTRY**

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The Court has conducted a de novo review of the Report and Recommendations of United States Magistrate Judge Sharon L. Ovington (Doc. #13), to whom this case was originally referred pursuant to 28 U.S.C. §636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) has expired, hereby **ADOPTS** said Report and Recommendations.

Accordingly, it is hereby **ORDERED** that:

1. The Report and Recommendations filed on December 18, 2012 (Doc. #13) is **ADOPTED** in full;
2. Jason Tucker's Petition for Writ of Habeas Corpus (Doc. #1) is **DENIED** and **DISMISSED**;
3. Tucker is denied leave to appeal *in forma pauperis*, and the Court **CERTIFIES** under 28 U.S.C. §1915(a)(3) that any appeal Tucker seeks to take from this

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<sup>1</sup> The proper Respondent in this case is the Warden of the Pickaway Correctional Institution, where Tucker is currently incarcerated.

Decision and Entry is not taken in good faith;

4. Tucker is DENIED a certificate of appealability under 28 U.S.C. §2253(c);  
and
5. The case is terminated on the docket of this Court.

A handwritten signature in black ink, appearing to read "Walter Herbert Rice", is positioned above a horizontal line.

Walter Herbert Rice  
United States District Judge